

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

RODNEY McCLOUD, JR.,

Plaintiff,

-vs-

LAKEVILLE MOTOR EXPRESS, INC.,
a Minnesota Corporation,

Defendant.

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CIV. 07-4156

ORDER
(Defendant's Motions in Limine)

The Defendant has filed motions in limine (Doc. 35 and Doc. 50) and supporting arguments.

Based on the written submissions and the arguments which were heard during the pre-trial conference, the Court enters the following rulings:

Doc. 35:

Motion #1 : (Precluding reference to compromise offers, settlement negotiations, or the lack thereof); **GRANTED.**

Motion # 2: (Precluding reference to the presence of liability insurance); **GRANTED.**

Motion #3: (Precluding reference to Defendant's large financial resources); **GRANTED.**

Motion # 4: (Precluding Plaintiff's counsel and his expert witness(s) from eliciting or expressing any opinions not disclosed in medical records); **DENIED** for the reasons explained during the pretrial conference. The requirements of a written report in paragraph 2(B) of Rule 26(a) apply only to those experts who are retained or specially employed to provide such testimony in the case. See Advisory Committee Comments to Rule 26(a)(2)(B), 1993 amendments. If the treating physician's discovery deposition has been taken and the physician failed to disclose such opinion, it may not, however, be offered at trial.

Motion # 5: (Prohibiting Plaintiff, his counsel or any witness from presenting "golden rule" arguments or testimony); **GRANTED.**

Motion # 6: (Precluding Plaintiff, his counsel, or any witness from giving "per diem" testimony or argument); **GRANTED.**

Doc. 50:

Motion # 7: (Precluding reference to defendant's subsequent ceasing or refusal to deliver products to plaintiff's place of employment (Eco-Water)); **GRANTED.**

Dated this 10th day of November, 2008.

BY THE COURT:

s/John E. Simko

John E. Simko
United States Magistrate Judge